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DOC #: _____
DATE FILED: 8/10/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEMAR GAYLE,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE
AGAPITO SOLER, DETECTIVE JOEY
MORALES, JOHN DOE,

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 CV 0005 (AKH)

Defendants.

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WHEREAS, plaintiff commenced this action by filing a complaint on January 3, 2007, alleging violations of his civil rights; and

WHEREAS, defendant City of New York has denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum,

plaintiff agrees to dismissal of all of the claims against defendants City of New York, Agapito Soler, and Joey Morales (served or unserved), and to release the defendants, and any present or former employees or agents of the City of New York, the New York City Police Department, and any other agency of the City of New York, from any and all liability, claims, or rights of action arising from and contained in the amended complaint in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
8/10, 2007

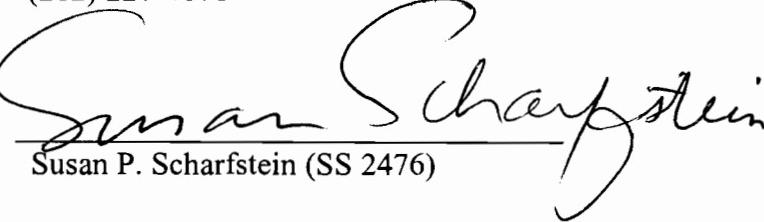
RICHARD J. CARDINALE, ESQ.
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By: 
Richard J. Cardinale (RC 8507)

SO ORDERED: 8/9/07


ALVIN K. HELLERSTEIN,
U.S.D.J.

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New York
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By: 
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